

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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| <u>JULIE A. SU, ACTING SECRETARY OF LABOR,</u> UNITED STATES DEPARTMENT OF LABOR, |) | |
| |) | |
| |) | |
| |) | |
| Plaintiff, |) | Civil Action No. |
| |) | 1:23-cv-00627- |
| |) | CCC |
| v. |) | |
| |) | |
| JONESTOWN RD CHICKEN LLC and TOM RUDZENSKI, |) | |
| |) | |
| Defendants, |) | Injunctive Relief |
| |) | Demanded |
| |) | |

PRELIMINARY INJUNCTION ORDER

1. Defendants are enjoined from violating Sections 11(a) or 15(a)(3) of the FLSA, [29 U.S.C. §§ 211\(a\)](#) and [215\(a\)\(3\)](#).

2. Defendants shall not retaliate, take any adverse action, or threaten to take any adverse action, against any current or former employee because the employee asserted their rights under the FLSA.

3. Defendants shall not tell any workers not to cooperate with the Secretary's representatives; instruct any workers to provide incomplete or false information to the Secretary's representatives; or question workers about their cooperation or communications with the Secretary's representatives.

4. Defendants shall not destroy any records, including but not limited to employment documents, video evidence, timesheets, or work hour related documents, prior to any preliminary injunction hearing.

5. Defendants shall post at the Popeyes Jonestown Road location: 1) Wage and Hour Division Fact Sheet 77A; and 2) a notice attached hereto as Exhibit A informing their employees that they will not retaliate against employees for asserting their rights under the FLSA, including by speaking to representatives of the Secretary of Labor, and that employees are free to provide whatever information the employee chooses to provide. Defendants shall also send Fact Sheet 77A and the Notice to all employees, who were working at the Jonestown Road Popeyes on March 14, 2023 or April 5, 2023, and to all other current employees, by mail, by electronic mail, and via any other means of communication (where available in Defendants' records), and Defendants shall provide a copy of all such communications to the Secretary's designated representative. Defendants shall also provide the Secretary's designated representative with the mailing address, email address, and telephone number for all such employees.

6. Any applicable statutes of limitations are hereby tolled from March 14, 2023, through the date on which the notice referenced in the previous paragraph is distributed to employees.

SO ORDERED,

Dated: May 1, 2023

/s/ Christopher C. Conner

CHRISTOPHER C. CONNER

United States District Judge

Middle District of Pennsylvania

EXHIBIT A
NOTICE TO EMPLOYEES

The Department of Labor (“DOL”) is conducting an investigation of Jonestown RD Chicken, LLC d/b/a Popeyes Louisiana Kitchen (“Popeyes”) and Popeyes’ District Manager, Tom Rudzenski (collectively “Defendants”), under the Fair Labor Standards Act (“FLSA”), [29 U.S.C. § 201](#), *et seq.* In addition, the DOL has filed a complaint against Jonestown RD Chicken, LLC and Tom Rudzenski alleging that they interfered with DOL’s attempts to speak with and interview employees and retaliated against employees. We wish to assure you:

- Per order of the U.S. District Court for the Middle District of Pennsylvania, you should be receiving this notice to inform you of your rights to speak with DOL investigators without any repercussions and/or retaliation from the Defendants.
- You are protected by the FLSA. Under that law, you have a right to be paid at a rate of not less than \$7.25 an hour for hours you work up to 40 in a workweek, to be paid at a rate of time and one half of your regular rate for all hours you work over 40 in a workweek, and to keep any tips you earn.
- Under the FLSA, you also have the right to complain to your employer about your wages if you believe you are not being paid properly, and to speak freely with investigators or other officials from the United States Department of Labor.
- It is illegal for Popeyes, its owners, or anyone else to treat you differently or retaliate against you in any way, including by imposing debts upon you and requiring you to work for them to repay those debts, threatening to remove you from housing, withholding your wages, or threatening or coercing you in any other way for asserting or trying to assert your rights under the FLSA.
- The Court has issued a temporary restraining order and a preliminary injunction prohibiting Popeyes and Tom Rudzenski from retaliating, taking any adverse action, or threatening to take any adverse action against any current or former employee because the employee asserted their rights under the FLSA. The court has also prohibited Popeyes and Tom Rudzenski from telling any workers not to cooperate with the Department of Labor, from instructing workers to provide incomplete or

false information to the Department of Labor, and from questioning workers about their cooperation or communications with the Department of Labor.

The Wilkes Barre District Office of the Department of Labor's Wage and Hour Division is located at 7 N Wilkes Barre Blvd, Suite 373M, Wilkes Barre, PA 18702-5284. If you wish to speak with the DOL about these or any other issues, you can contact the Wilkes Barre District Office by telephone at 570-826-6316 or toll-free at 1-866-487-9243.

AVISO A EMPLEADOS

El Departamento Federal de Trabajo (DOL) esta conduciendo una investigacion de la empresa Jonestown RD Chicken, LLC conocida como Popeyes Louisiana Kitchen ("Popeyes") y su Gerente de Distrito Tom Rudzenski (colectivamente "Defendidos"), bajo la Ley de Normas Justas de Trabajo ("FLSA"), 29 U.S.C. § 201, *et seq.* Ademias, el Departamento Federal de Trabajo ha demandado a la empresa Jonestown RD Chicken, LLC y a su Gerente de Distrito Tom Rudzenski allegando que el ha interferido con los intentos de dicha agencia para conducir entrevistas con los empleados y por tomar represalias en contra de sus empleados. Por lo tanto, el Departamento Federal de Trabajo quisiera asegurarle lo siguiente:

- Por orden the la Corte Federal de los Estados Unidos del Distrito Medio de Pennsylvania, usted debe recibir esta notificacion para informarle de sus derechos de hablar con los investigadores del DOL sin ninguna repercussion ni retaliacion por parte de los Defendidos.
- Usted está protegido por el FLSA. Bajo La Ley De Normas Justas de Trabajo (FLSA siglas en Ingles), usted deberá recibir pago de al menos \$7.25 por todas las horas trabajadas hasta 40 horas en una semana, recibir pago de tiempo y medio de su tasa regular por todas las horas trabajadas después de las 40 horas trabajadas en una semana, y quedarse con todas las propinas recibidas.
- Bajo La Ley de Normas Justas de Trabajo, usted tiene el derecho de quejarse con su empleador si usted considera que no le han pagado su salario correctamente y tiene el derecho de hablar libremente con los investigadores u otros oficiales del Departamento de Trabajo (DOL).

- Es ilegal para Popeyes, sus propietarios, o cualquier otra persona que lo trate de manera diferente o tome represalias contra usted en cualquier forma, incluso imponiéndole deudas y exigiéndole que trabaje para ellos para pagar esas deudas, amenazándolo con sacarlo de la vivienda, retener sus salarios, o amenazarlo o coaccionarlo de cualquier otra manera por hacer valer o tratar de hacer valer sus derechos bajo el FLSA.
- La Corte ha emitido una orden de restriccion temporal prohibiendo a Popeyes y a Tom Rudzenski de tomar cualquier accion retaliatoria o cualquier accion adversa y/o cualquier accion amenazante en contra de cualquier empleado actual o cualquier empleado que haya trabajado para la empresa en el pasado por querer hacer valer sus derechos bajo la ley FLSA. La Ley tambien le ha prohibido a Popeyes y a Tom Rudzenski a que le aconsejen a los empleados que no colaboren con el Departamento de Trabajo, a que provean informacion incompleta o falsa al Departamento de Trabajo y a que cuestionen y/o interroguen a los empleados en relacion a su cooperacion y/o comunicaciones con el Departamento de Trabajo.

La oficina de Distrito de Wilkes Barre del Departamento de Trabajo (DOL-siglas en inglés) está ubicada en 7 N Wilkes Barre Blvd, Suite 373M, Wilkes Barre, PA 18702-5284. Si usted desea hablar con DOL sobre estos u otros asuntos, puede comunicarse con la Oficina de Distrito de Wilkes Barre por teléfono al 570-826-6316 o al número gratuito 1-866-487-9243.